

### **REMARKS**

The following issues are outstanding in the pending application:

- Claims 1-3 are rejected under 35 USC § 112; and
- Claims 1 and 3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting.

#### **Amendment to Specification**

Paragraph [0006] has been amended to correct a typographical error in U.S. Patent No. 3,280,430. No new matter has been added as a result of this amendment.

#### **Amendment to Claims**

Claim 1 has been amended to more clearly point out and distinctly claim the subject matter of the present invention. No new matter has been added as a result of this amendment.

#### **35 USC § 112**

Claims 1-3 have been rejected under 35 USC § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter of the present invention. Claim 1 has been amended to recite “the apparatus” rather than “the machine.” Antecedent basis for the term “apparatus” is found in the preamble. Applicant respectfully submits that this rejection has been removed.

#### **Double Patenting**

Claims 1 and 3 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5-8 of co-pending Application No. 10/537,044 in view of Antrobus (U.S. Pat. No. 3,280,430).

Applicant is submitting with the response a terminal disclaimer in compliance with 37 CFR 3.73(b). In view of the terminal disclaimer which removes the primary reference of Application No. 10/537,044, Applicant submits that the secondary reference falls. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the

outstanding rejection of claims 1 and 3 as being provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5-8 of co-pending Application No. 10/537,044 in view of Antrobus.

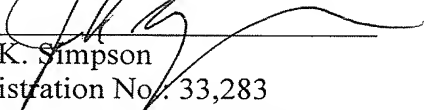
**CONCLUSION**

In view of the above, applicant believes the pending application is in condition for allowance.

A Terminal Disclaimer fee is being submitted with response. However, if additional fees are due, please charge our Deposit Account No. 06-2375, under Order No. HO-P03171US0 from which the undersigned is authorized to draw.

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Respectfully submitted,

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